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Permit Application

for

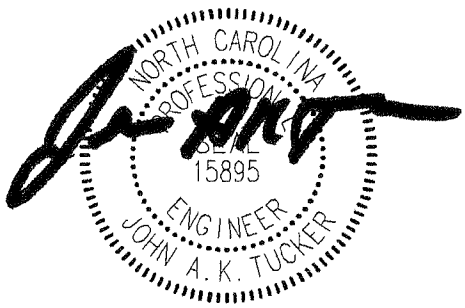
Rowland LCID Landfill Treatment and Processing Facility

Raleigh, NC

Owner

ROWLAND LANDFILL INC
2730 ROWLAND RD STE 105
RALEIGH NC 27615-5631

Project Number
0623



December 6, 2006

PRELIMINARY
NOT FOR CONSTRUCTION

John A.K. Tucker, P.E.
Consulting Engineer
Post Office Box 297
Fuquay-Varina, North Carolina 27526
Voice (919) 567-0483
Fax (919) 567-3611

City of Raleigh Zoning Approval

City Of Raleigh
North Carolina

August 16, 2000

Bryan Odom
Cavanaugh
1426 Commonwealth Dr., Suite B
Wilmington, NC 28412

Re: Rowland Landfill
Gresham Lake Road
Raleigh, NC

Dear Mr. Odom:

The Rowland Landfill located on Gresham Lake Road is zoned Industrial-1 with a Special Highway Overlay District. This zoning district allows a wide variety of uses including a landfill. The current use of the property as a landfill is consistent with the Industrial zoning.

If I may be of further assistance, please call.

Sincerely,

Larry Strickland
Zoning Inspector Supervisor

**Wake County Permit to Operate **

and

Deed Information

COPY

COUNTY OF WAKE
RALEIGH, NORTH CAROLINA
COMMUNITY DEVELOPMENT SERVICES
TELEPHONE (919) 755-6838

March 9, 1988

Mr. Bill Brower
City of Raleigh
Inspections Department
P. O. Box 590
Raleigh, N.C. 27602

RE: Rowland Demolition Landfill Inquiry

Dear Mr. Brower:

Enclosed is a copy of the permit issued by this office to Mr. Rowland for operation of a demolition landscape debris landfill. Regulatory authority over this site has been specifically delegated to the County by the N.C. Solid and Hazardous Waste Branch of the N.C. Department of Health Services. Extra copies of the operations plan may be obtained from Mr. Rowland at 876-1877.

If I may be of further assistance to you, please feel free to contact me at 755-6838.

Sincerely,

Robert E. Tucker, P.E.
Assistant County Engineer

RET/mb

Enclosure

COUNTY OF WAKE

RALEIGH, NORTH CAROLINA
Community Development Services
Telephone (919) 755 6838

CERTIFIED COPY OF SOLID WASTE MANAGEMENT PERMIT

I do hereby certify that the attached Permit is an exact and true copy of Permit No. 83-001.

W. Henry Wells, Jr., Chief Engineer
Engineering Division,
Wake County Community Development Services

Sworn and subscribed before me this 14 day of July, 1983

Mark G. Dawson
Notary Public

My commission expires: 2/21/87 Seal

MARK G. DAWSON NOTARY PUBLIC WAKE COUNTY, N.C.

BOOK 3155 PAGE 987

Permit No. 83-0001

Date Issued 7/14/83

SOLID WASTE MANAGEMENT PERMIT

CONDITIONS:

1. That this permit be recorded in the office of the Register of Deeds of Wake County.

2. That access to the site be barricaded or manned when not in use.

3. That operation be in accordance with 10 N.C.A.C. 10G Section .0507.

4. That materials to be disposed of in the landfill be limited to demolition and land clearing debris (i.e. no paper or other garbage).

5. That there be no discharge of water from the landfill to Perry Creek without an NPDES Permit.

BOOK 3155 PAGE 985 PERMIT NO. 83-001

DATE ISSUED July 14, 1983

Bill Rowland
6610 Cold Springs Rd
Ral N.C. 27609

WAKE COUNTY

COMMUNITY DEVELOPMENT SERVICES

ENGINEERING DIVISION

P.O. Box 550 Raleigh 27602

PRESENTED FOR REGISTRATION
AUG 10 11 08 AM '83
R.B. MCKENZIE, JR.
REGISTER OF DEEDS
WAKE COUNTY, N.C.

SOLID WASTE MANAGEMENT PERMIT

Bill I. Rowland is hereby issued a permit to operate a Demolition-Landscape Landfill located S.R. 2013, in accordance with Article 13B of the General Statues of North Carolina and all rules promulgated thereunder. The facility is located on the below described property.

Parcel One

BEGINNING at a point in the center of the right of way of State Road 2013 and being the common corner of Rea Construction Company and Rowland Landfill, Inc; runs thence North 85 degrees 12 minutes East 171.43 feet to a point in the center of the right of way of State Road 2013; thence North 83 degrees 32 minutes East 278.50 feet to a point and being the northeastern corner of the tract of land as hereinafter described; runs thence along the property line of Rea Construction Company, South 03 degrees 40 minutes West 621.56 feet to a point and being the southeastern corner of the tract of land as hereinafter described; thence North 81 degrees 23 minutes West 524 feet to a point and being the southwestern corner of the tract of land as hereinafter described; thence North 12 degrees 32 minutes East 508.18 feet to the point and place of beginning, containing 6.20 acres more or less, according to a survey prepared by Lovett & Bunn, Inc., Registered Land Surveyor, dated July 24, 1972, entitled "Property of Rowland Landfill, Inc."

(Continued on Back)

W. Henry Wells, Jr. Chief Engi
Engineering Division,
Wake County Community Developm
Services

Parcel Two

BEGINNING at a point in the center line of State Road 2013, said point being witnessed by an iron pin South 12 degrees 32 minutes West 31.5 feet in the southern right of way of said road, said point being a common corner in said road with the Nichols property, runs thence with the center line of said State Road 2013 North 85 degrees 12 minutes East 150 feet to a point, the beginning point of Parcel No. One, described herein; thence South 12 degrees 33 minutes 46 seconds West with the line of siad Parcel One 508.28 feet to an iron stake; thence South 81 degrees 28 minutes 56 seconds East 760.38 feet to an iron stake, a common corner with Rea Construction Company; thence with the line of Rea Construction Company South 21 degrees 37 minutes 39 seconds West 755.88 feet to an iron stake; thence continuing with the line of Rea Construction Company South 79 degrees 40 minutes 08 seconds West 227.03 feet to an iron stake; thence North 86 degrees 05 minutes 54 seconds West 376.02 feet to an iron stake; thence continuing North 86 degrees 05 minutes 54 seconds West 150 feet to an iron stake a corner with Bill T. Rowland and wife; thence North 06 degrees 26 minutes 06 seconds East 503.75 feet to an iron stake, a corner with Rowland and Nichols,; thence North 12 degrees 33 minutes 46 seconds East 822.08 feet with the line of Nichols to the point and place of beginning, containing 17.01 acres more or less according to survey prepared by J. Fred Davis, Jr., Inc. dated April 4, 1972.

Operational Plan

ROWLAND LANDFILL
LAND CLEARING AND INERT DEBRIS LANDFILL

Hours of Operation 7:00 AM to 7:00 PM Monday - Saturday

Owner:

ROWLAND LANDFILL INC
2730 ROWLAND RD STE 105
RALEIGH NC 27615-5631

Phone 919-876-1877

Emergency Numbers:

Wake County Solid Waste	851-6186	
Raleigh Fire Department	911	Emergency
	831-6115	Non-Emergency
Wake County Emergency Mgt	856-6480	
Environmental Health Emergency Response/Hazardous Waste	856-7410	

Permit Recording

Prior to receiving land clearing and inert debris in this facility, the license shall be recorded in the Wake County Register of Deeds in accordance with GS130-66.21.

Project Use of the Facility After Closing

Currently there are no plans for use of the site after closing. The site will be closed in accordance with state regulations. This will include placement of final cover (12" of soil) over the waste cells and stabilization with permanent seeding to prevent erosion.

Types of Waste That Can Be Accepted

A portion of the facility will be permitted to receive land clearing waste, inert debris, untreated wood and yard waste. Examples of this type of waste stream include stumps, limbs, framing lumber, brick, block and uncontaminated soil.

All trucks entering the facility will be examined to ensure only permitted waste is allowed inside. Any unacceptable waste found in the facility shall be separated and disposed of in a manner consistent with Wake County Division of Solid Waste rules.

Access Roads

The access road shall consist of a prepared subgrade and 6" of ABC stone as an all weather surface. The road is to be inspected weekly for rutting and other signs of failure. These areas will be repaired in a timely fashion.

Dust Control

Should excessive dust be generated (visible clouds behind moving vehicles) a water truck will be used to wet down the access road and other areas. The existing pond on site will be used as a source for water.

Rock Excavation

Blasting of rock is prohibited in this facility.

At all times the facility shall be operated in accordance with the following:

Rules 15A NCAC13B - Section .0566

.0566 OPERATIONAL REQ. FOR LAND CLEARING AND INERT DEBRIS LANDFILLS

Land Clearing and Inert Debris (LCID) landfills shall meet the following operational requirements:

(1) Operational plans shall be approved and followed as specified for the facility.

(2) The facility shall only accept those solid wastes which it is permitted to receive.

(3) Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.

(4) Adequate soil cover shall be applied monthly, or when the active areas reaches one acre in size, whichever occur first.

(5) 45 calendar days *(revised to meet Wake County Standards)* after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of two feet (revised to meet Wake County Standards) of suitable soil cover sloped to allow surface water runoff in a controlled manner. The Division may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.

(6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.

(7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 45 calendar days *(revised to meet Wake County Standards)* upon completion of any phase of landfill development.

(8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.

(9) Access roads shall be of all-weather construction and properly maintained.

(10) Surface water shall be diverted from the working face and shall not be impounded over waste.

(11) Solid waste shall not be disposed of in water.

(12) Open burning of solid waste is prohibited.

(13) The concentration of explosive gases generated by the facility shall not exceed:

(a) Twenty-five percent of the lower explosive limit for the gases in facility structures.

(b) The lower explosive limit for the gases at the property boundary.

(14) Leachate shall be properly managed on site through the use of current best management practices.

(15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.

(16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number.

Methane Gas Monitoring

The owner of the landfill will monitor the explosive gas at the landfill structures and at or near the landfill boundary on a quarterly basis. Permanent probes shall be placed between the disposal areas and the property line at a 400 to 500 foot spacing. The permanent probes will consist of a

plastic stand pipe similar to a piezometer used for groundwater detection. A typical permanent methane probe is detailed in the operation drawings. The permanent probe will be constructed to groundwater depth. A 4" to 6" diameter hole will contain a one (1) inch PVC pipe. The hole will be backfilled with non-carbonate pea gravel to a depth of two (2) feet below the existing ground surface, with a bentonite seal one foot thick above it. The remainder of the hole will be backfilled with in-situ soils. A steel protecting pipe or box section with a locking vented cover will be installed over the PVC pipe. The one (1) inch PVC pipe will extend approximately three (3) feet above the existing grade. The PVC pipe will be capped with a one (1) inch PVC cap, 1/4" inch NPT hose barb, and 1/4" tubing, plugged or capped.

Quarterly, a landfill employee will visit each monitoring point. The monitoring points consist of all methane probes. Using the detection instrument, he will determine if methane gas has filled the probes. If the probe is near the property line and methane gas is detected at or beyond the lower explosive limit, it must then be determined if the gas is migrating across the landfill boundary. If the probe is on the boundary or methane gas has migrated beyond the boundary, a remediation plan must be completed by the owner.

Other points of monitoring will be the landfill structures. Each structure will be monitored for methane gas using the following methods:

1. All crawl spaces will be monitored;

2. All corners in the structure will be monitored;

3. Any holes, cracks and pipes through the foundation will be monitored.

The concentration of explosive gases generated by the facility shall not exceed twenty-five (25) percent of the lower explosive limit for the gases in facility structures.

Leachate Management

Since this is an "inert debris" landfill, leachate should not exist. Material which might produce leachate is prohibited from disposal in this facility.

The disposal areas will be graded in such a manner so as to prevent stormwater from ponding in the cells. The runoff will be channel by way of diversion ditches and vegetated berms to permanent riser basins. In no case will stormwater runoff be allowed to discharge directly into wetlands or streams.

Emergency Plan

Equipment used in the operation of the landfill shall be used to control accidental fires. This equipment shall include a bulldozer, track excavator and dump truck. If necessary, additional equipment will be acquired from other sources.

In the case of a fire, the following actions shall be taken:

1. Notify the City of Raleigh Fire Department and the Wake County Division of Solid Waste.

2. Separate the burning material from the remaining waste as soon as possible.

3. Attempt to smother the fire with soil if possible.

4. Water should be used to extinguish the fire as a last resort. Should it be necessary to use water, diversion ditches should be cut to direct the water towards the sediment basins. All efforts should be made to prevent contaminated water from flowing directly into creeks or wetland areas.

5. Follow all instructions as directed by the Wake County Division of Solid Waste and the North Carolina Division Waste Management.

In the case of a hazardous spill, the following actions shall be taken:

1. Notify the City of Raleigh Fire Department, the Wake County Environmental Health Response/Hazardous Waste, and the Wake County Division of Solid Waste.

2. Isolate the spilled material and wait for instructions from the City of Raleigh Fire Department.

John A. K. Tucker, P.E.
Consulting Engineer

December 7, 2006

Received
DEC 2006
Solid Waste
Section

Mr. Ed Mussler
N.C. Division of Waste Management
Solid Waste Permitting Section
P.O. Box 29603
Raleigh, North Carolina 27603

Re: Rowland LCID Landfill
Raleigh, North Carolina

Dear Mr. Mussler:

Enclosed herein, for review and comment, are three copies the Treatment and Processing Facility permit application for Rowland LCID Landfill.

Regards,

John A.K. Tucker, P.E.

cc: Rowland Landfill
Dennis Shackleford

Enclosure

P.O. Box 297 *Fuquay-Varina* *North Carolina 27526*
Voice (919) 567-0483 *Fax (919) 567-3611* *email johnak@interpath.com*

92 m 7.
WAKE

John A.K. Tucker, P.E.
Consulting Engineer

Letter of Transi

To:	NC DENR
	Solid Waste Mgmt

Date:	12/08/2006
Project:	Rowland Lanc....
Attention:	Ed Mussler

We are sending the following:

✓	Prints		Photocopies		By Mail		By UPS/FEDEX
	Originals		Show Dwgs		By Hand		By Pickup
	Disk		Other		By Email		By Fax

For your:

	Approval		As Requested		For Your Action
	Your Use		For Review and Comment		Other (See Remarks)

..antity	Description
5	Preliminary Const Dwgs for LCID Landfill
3	Preliminary Const Dwgs for Treatment and Processing

Remarks:

Done?

Copy: _____

Signed: _____
John A.K. Tucker, P.E.

P.O. Box 297, Fuquay-Varina, NC 27526 (919) 567-0483 FAX (919) 567-3611 johnak@johntuckerpe.com

NCDENR
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

BWB

Fac/Perm/Co ID #	Date	Doc ID#
92M	11/1/2008	DIN 6256

COUNTY: WAKE
PERMIT NO.: 92M ,92-004T&P
FILE TYPE: COMPLIANCE

UNIT TYPE:

Unlined MSWLF		LCID	X	YW		Transfer		Compost		SLAS	
Closed MSWLF		HHW		White goods		Incin		T&P	X	FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO	X	SDTF	

Date of Audit: August 28, 2008 & October 13, 2008 **Date of Last Audit:** October 26, 2006

FACILITY NAME AND ADDRESS:
Rowland Landfill
3000 Gresham's Lake Road
Raleigh, NC 27615

GPS COORDINATES: N: 35.88326 **E:** -078.58590

FACILITY CONTACT NAME AND PHONE NUMBER:
Sylvia Rowland (919) 876-1877

FACILITY CONTACT ADDRESS (IF DIFFERENT):
Sylvia Rowland, President
Rowland Business Park, Inc.
2820 Rowland Road
Raleigh, NC 27615

AUDIT PARTICIPANTS:
August 28, 2008
Bradley Bailey, NCDENR – Solid Waste Section
Donna Wilson, NCDENR – Solid Waste Section
Sylvia Rowland, President
Audrey Light, Gate Keeper, Load Inspector
John A.K. Tucker, P.E., Consulting Engineer
October 13, 2008
Bradley Bailey, NCDENR – Solid Waste Section
Mary Whaley, NCDENR – Solid Waste Section
Audrey Light, Gate Keeper, Load Inspector
John A.K. Tucker, P.E., Consulting Engineer

STATUS OF PERMIT:
Order of Approval-"Sanitary Landfill" issued by NC Division of Health Services, August 08, 1975
83-001 "Demolition-Landscape Landfill" issued by Wake County, July 14, 1983
Revised Closure Plan, submitted by Titan Atlantic Group, Inc, May 1, 2002
LCID T&P Notification 92-004, issued May 2, 2002
Permit reviews and approvals for 1988 & 2003 are not on file; approval for 2008 is pending review

PURPOSE OF AUDIT:
Comprehensive Audit / Transition of Inspection Authority from Wake County

NOTICE OF VIOLATION(S):

1.) 15A NCAC 13B .0566 (4) states that "Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first." **It was observed that numerous areas exceeded the 1 acre limit (208.7 ft x 208.7 ft) of uncovered waste across the sloped faces. Adequate cover (two feet per Wake County ordinance XI) shall be applied within thirty (30) days receipt of this notification.**

2.) 15A NCAC 13B .0566 (11) states that "Solid waste shall not be disposed of in water." **The sediment basin was full of waste debris that appeared to have been pushed over the top of the landfill and fallen down the face and into the water that is standing in the basin. Debris must be cleaned out of the basin and properly disposed of within thirty (30) days receipt of this notification.**

2.) 15A NCAC 13B .0566 (5) states that "120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner." **It was observed that numerous areas did not have the required one (1) foot of soil cover and that the sloped faces exceeded a manageable slope (3:1). Local Wake County solid waste ordinance section XI. Operation of Land-clearing and Inert Debris Landfill (11) states that** "within one month after final termination of disposal operations at the site or a major part thereof or upon revocation of a permit, the area shall be covered with at **least two feet** of suitable compacted earth adequately sloped to allow surface water runoff in a controlled manner without on-site erosion and off-site siltation." **A manageable slope (3:1) and two feet of suitably compacted earth shall be accomplished within thirty (30) days receipt of this notification.**

3.) 15A NCAC 13B .0566 (7) states that "Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development." **It was observed that numerous areas did not have sufficient ground cover to restrain erosion. All bare areas or eroding areas need to be provided with adequate groundcover after sloped and properly covered within thirty (30) working days or 120 calendar days.**

4.) 15A NCAC 13B .0566 (13) states that "The concentration of explosive gases generated by the facility shall not exceed:

(a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
(b) The lower explosive limit for the gases at the property boundary."

No documentation to confirm that this requirement is being performed was produced. This requirement is referenced in the submitted application and operation plan, currently under review, as a performance requirement. The facility received a tax certification dated November 5, 1993 for "two (2) 85 kw engine generators and associated equipment located in a building at the Rowland Landfill, Inc. which was installed in 1984. The engine generators burn landfill gas collected from the Rowland Landfill and sell electricity to CP&L." No continued monitoring appears to have been performed. Initiation of this monitoring system (permanent probe placement and well construction) referenced in the permit application must be in accordance with subchapter 2C well construction standards (15A NCAC 02C.0108) Standards of Construction: Wells other than water supply. Installation of these methane monitoring probes needs to be completed and monitoring commenced within 30 days receipt of this notification.

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to $15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. If the violation(s) noted here continue, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

STATUS OF PAST NOTED VIOLATIONS:

April 13, 1981, NC Division of Health Services-Solid & Hazardous Waste Management Branch issued a Notice of Violation with administrative penalty for 1.) Receiving solid waste which site not permitted to receive {.0106} 2.) Solid waste shall be restricted to the smallest area feasible {.0115 #2} 3.) Solid waste not covered with earth as specified {.0115 #3} 4.) Finished surface of the filled area shall be graded and seeded {.0115 #3 & #4} Resolved per

April 30, 1981 inspection in which all violations except seeding had been corrected. Site directed to be "Demolition-Rubble" site if allowed to remain in operation.
August 31, 1981, NC Department of Natural Resources & Community Development, site inspections conducted April 14, 1981 and May 15, 1981 cited that continuous discharges from the quarry to Perry Creek were a violation and required an NPDES discharge permit per NCGS 143-215.1.
May 18, 1994, Wake County Solid Waste Management, Notice, Section XII, Revocation of LCID permit; for receiving waste not permitted to receive unless corrected within twenty (20) days. No record of resolution or enforcement.
March 16, 2006, Wake County Environmental Services, Notice, Section X, cite permit to operate LCID permit expired.
October 26, 2006, NCDENR issued a Notice of Violation, NCAC 13B.0201(a) Resolved, Permit application for LCID Landfill and Treatment and Processing Facility (Preliminary-Not for Construction) submitted December 7, 2006.

AREAS OF CONCERN AND COMMENTS:

1.) The permit application for the LCID Landfill and the permit application for the Treatment and Processing Facility, submitted December 7, 2006, appear to be identical and only reference 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris Landfills. Treatment and Processing requirements are not addressed, but requirements may be found in 15A NCAC 13B .0301. It appears that the most recent application or permit is 83-001 issued by Wake County July 14, 1983. Typically, these are updated and resubmitted every five (5) years. The applications or permits for 1988 and 2003 have not been located. The current submissions have stamped on the cover "PRELIMINARY NOT FOR CONSTRUCTION." The permitting department issues a PTC (Permit to Construct) prior to construction to ensure that proposed facilities meet required site specifications. A PTO (Permit to Operate) is issued separately. This is a moot point as the Landfill remained in operation under the regulatory authority of Wake County until January 1, 2008. **The November 08, 2006, Wake County Environmental Services Facility Compliance Audit references: Permit Active May 01, 2002-May 01, 2007. Please provide a copy of this approved permit, operations plan and documents submitted for the permit received, within 30 days.**

2.) On May 1, 2002, a revised closure plan was submitted to Wake County presumably for the existing demolition landfill located in the abandoned quarry which was filled with tires, appliances and waste not permitted to be received. The file indicates that the site should have been closed by January 1, 1998 in accordance with section .0563 (6)(c) *Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 1998 or cease operations and close in accordance with these Rules.* According, to the siting criteria section .0564 (9) (b) 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells. Waste is currently buried within 100 feet of the property lines. **For sites that failed to meet the closure deadlines or failed to operate in accordance with their submitted closure plans, you may be required to close the area above the abandoned quarry and demolition landfill in accordance with 15 A NCAC 13B .0564.**

3.) On May 2, 2002, A Land Clearing Debris Treatment and Processing Notification T&P 92-004 was issued. The notification 92-004, is limited to a two (2) acre footprint and 6,000 cubic yards per quarter. Typically, these are not issued to permitted facilities. **If the violations noted in these inspections are not corrected the T&P notification will not be renewed.**

4.) On October 13, 2005, correspondence was sent to Ms. Cynthia McCoy, Natural Power, Inc. from Keith Snavely, Hydrogeologist, Inactive Hazardous Sites Branch, Superfund Section referencing November 22, 2004 correspondence, directing your facility to abandon all monitor wells and that no further action was required. According to 15A NCAC 13B .0566 (15) Should the Division deem it necessary, groundwater or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter. **Based upon the historical waste stream of the unlined landfill, you are directed to sample the water supply well (MW1?) and an up stream and down stream surface site on Perry Creek. The results from these samples must be submitted to this department within thirty (30) days receipt of this notification. Provide this office with seventy-two (72) hours notification of the sampling date so that Solid Waste Section staff can arrange to be onsite for the sampling event and recordation of surface water sample sites selected.**

5.) All persons whose purpose is or includes the production of compost from solid waste or solid waste co-composted with other wastes shall not construct, operate, expand or modify a facility until a currently valid permit for a solid waste compost facility is issued by the Division. This provision also applies to facilities that accept, store, or produce compost or mulch from yard waste or from residues from agricultural products and processing. General Provisions, Siting, design, application, operational, distribution, and reporting requirements shall be in accordance with Rules .1402, .1403, .1404, .1405, .1407, and .1408 of this Section. The T&P notification 92-004 issued July 9, 2008, states "If heat is generated through composting in piles of materials you must obtain a permit to operate a solid waste compost facility or alter your process." Judging by the amount of "green material" and advertising on your website and business cards, the production of composted mulch and fresh raw mulch requires you to add composting to your permit application and operational plan. **Please submit to this office, amendment to your permit application and operational plan within thirty (30) days to address this or alter your process and screening of incoming material.**

Please contact me if you have any questions or concerns regarding this audit report.

(signature) Phone: (919) 508-8565.

Bradley W. Bailey
Environmental Senior Specialist
Regional Representative

Distribution: original signed copy to facility -- e-mail to compliance officer – e-mail or copy to super

Delivered on : Nov.20, 2008 **by**		Hand delivery	X	US Mail	X	Certified No. [70041350000340731323]

Cc: **Mark Poindexter, Field Operations Branch Head**
Michael Scott, Composting and Land Application Branch Head
Donald Herndon, Compliance Officer
Jason Watkins, Central District Supervisor
Jaclynne Drummond, Compliance Hydrogeologist